

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

MARIA M. GONZALEZ, et al.,
Plaintiffs,
v.
STATE OF ARIZONA; et al.,
Defendants.

No. CV 06-1268-PHX-ROS (LEAD)
CV 06-1362-PHX-ROS
CV 06-1575-PHX-ROS

ORDER

The Inter Tribal Council of Arizona, Inc., and the Hopi Tribe (“ITCA and Hopi Plaintiffs”); and Arizona Secretary of State Janice Brewer (“State Defendant”) have stipulated to Revised Procedures for Proof of Identification at the Polls (“Revised Procedures”) to provide for an elector who identifies himself or herself as a member of a federally recognized Indian tribe to vote a regular provisional ballot upon the presentation of certain acceptable forms of tribal identification, which shall include (but are not limited to) the following:

- a tribal identification or enrollment card issued under the authority of a federally recognized Indian tribe, nation, community, or band ("tribe"), a tribal subdivision or the Bureau of Indian Affairs; or
- a Certificate of Indian Blood issued to a tribal member under the authority of a tribe or by the Bureau of Indian Affairs; or
- a voter registration card for tribal elections issued under the authority of a tribe; or

- 1 • a home site assignment lease, permit or allotment issued under the authority
- 2 of a tribe, tribal subdivision, or by the Bureau of Indian Affairs; or
- 3 • a grazing permit or allotment issued to a tribal member under the authority of
- 4 a tribe, tribal subdivision, or by the Bureau of Indian Affairs.

5 The Stipulating Parties have further agreed to dismissal without prejudice of certain
6 claims upon notice of the preclearance of the Revised Procedures by the United States
7 Department of Justice, and such notice having been received by the Court,

8 **IT IS ORDERED:**

- 9 1. The Stipulation (Doc. 754) is **GRANTED**.
- 10 2. In Inter Tribal Council of Arizona, Inc. v. Brewer, CV 06-1362 (D. Ariz.
- 11 filed May 24, 2006), ITCA and Hopi Plaintiffs are **DISMISSED WITHOUT**
- 12 **PREJUDICE** as to the to the Procedures and the polling place identification requirements
- 13 of A.R.S. § 16-579 **only**. This Order does not dismiss any claims or allegations set forth in
- 14 the Complaint challenging the proof of citizenship requirements for voter registration.

15 3. As long as the Revised Procedures remain in force and are effectively

16 implemented at the polls, the ITCA and Hopi Plaintiffs shall not re-file any claims

17 dismissed by this Order or file any other action or complaint against the State Defendants

18 that challenges the Revised Procedures or the polling place identification requirements of


19 A.R.S. § 16-579, on their face or as applied.

20 Dated this 27th day of May, 2008.

21

22

23

24 

25 Roslyn O. Silver

26 United States District Judge

27

28